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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MARCH 19, 2012**

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# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
FORTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 19, 2012

The Senate met in regular session at 1:07 p.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Hein of New Hope Church in Adel, Iowa. He was the guest of Senator Behn.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Iry Eicher.

The Journal of Thursday, March 15, 2012, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2380](#), a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, school districts, and accredited nonpublic schools; and providing for the retention of certain fees and for the use of certain funds.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on March 15, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2318](#), a bill for an act relating to the transmission and recording of certain death certificates.

Read first time and referred to committee on **State Government**.

#### BILLS REFERRED TO COMMITTEES

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

<a href="#">S.F. 2003</a>	Transportation
<a href="#">S.F. 2017</a>	Natural Resources and Environment
<a href="#">S.F. 2042</a>	Commerce
<a href="#">S.F. 2068</a>	Natural Resources and Environment
<a href="#">S.F. 2090</a>	State Government
<a href="#">S.F. 2119</a>	Human Resources
<a href="#">S.F. 2154</a>	State Government
<a href="#">S.F. 2169</a>	Transportation
<a href="#">S.F. 2210</a>	Commerce
<a href="#">S.F. 2255</a>	Economic Growth/Rebuild Iowa
<a href="#">S.F. 2256</a>	Transportation
<a href="#">S.F. 2258</a>	Education
<a href="#">S.F. 2259</a>	Judiciary
<a href="#">S.F. 2262</a>	State Government
<a href="#">S.F. 2266</a>	Local Government
<a href="#">S.F. 2273</a>	State Government
<a href="#">S.F. 2274</a>	State Government
<a href="#">S.F. 2281</a>	Natural Resources and Environment
<a href="#">S.F. 2290</a>	Agriculture
<a href="#">S.F. 2297</a>	Judiciary
<a href="#">S.F. 2300</a>	State Government
<a href="#">S.F. 2305</a>	Judiciary

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 1:26 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 1:27 p.m., President Kibbie presiding.

The Senate stood at ease at 1:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:55 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2316 and 2321.

**Senate File 2316**

On motion of Senator McCoy, **Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Soddors offered amendment **S-5094**, filed by him on March 15, 2012, to page 1 of the bill, and moved its adoption.

Amendment **S-5094** was adopted by a voice vote.

Senator McCoy offered amendment **S-5093**, filed by him on March 15, 2012, to pages 2 and 6 of the bill, and moved its adoption.

Amendment **S-5093** was adopted by a voice vote.

Senator McCoy offered amendment **S-5099**, filed by Senators McCoy and Bacon from the floor to page 4 of the bill, and moved its adoption.

Amendment **S-5099** was adopted by a voice vote.

Senator Danielson offered amendment [S-5097](#), filed by him from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

The Senate stood at ease at 3:13 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:24 p.m., President Kibbie presiding.

On the question “Shall amendment [S-5097](#) be adopted?” ([S.F. 2316](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 30:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Sorenson
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hancock	Quirnbach	
Courtney	Hatch	Ragan	

Nays, 20:

Bacon	Ernst	Houser	Seymour
Behn	Feenstra	Johnson	Smith
Boettger	Greiner	Kapucian	Ward
Chelgren	Hahn	Kettering	Whitver
Dix	Hamerlinck	McKinley	Zaun

Absent, none.

Amendment [S-5097](#) was adopted.

Senator Black offered amendment [S-5104](#), filed by Senators Black and Johnson from the floor to page 3 of the bill, and moved its adoption.

Amendment [S-5104](#) was adopted by a voice vote.

Senator Chelgren offered amendment [S-5105](#), filed by him from the floor to page 5 of the bill.

([Senate File 2316](#) and amendment [S-5105](#) were deferred.)

The Senate stood at ease at 3:44 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 3:55 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2316](#) and amendment [S-5105](#), previously deferred.

Senator Chelgren withdrew amendment [S-5105](#).

Senator Gronstal asked and received unanimous consent that action on [Senate File 2316](#) be **deferred**.

### [Senate File 2321](#)

On motion of Senator Schoenjahn, [Senate File 2321](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Schoenjahn offered amendment [S-5096](#), filed by him from the floor to pages 5 and 29 of the bill, and moved its adoption.

Amendment [S-5096](#) was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2321](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2318 and 2317.

#### [Senate File 2318](#)

On motion of Senator Hatch, [Senate File 2318](#), a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2318](#)), the vote was:

Yeas, 45:

Bacon	Dotzler	Houser	Schoenjahn
Bartz	Dvorsky	Jochum	Seng
Beall	Ernst	Johnson	Seymour
Behn	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hancock	McKinley	Zaun
Courtney	Hatch	Quirnbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	

Nays, 5:

Anderson	Dix	Sorenson
Bertrand	Hamerlinck	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [Senate File 2317](#)

On motion of Senator Black, [Senate File 2317](#), a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, placed in the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on [Senate File 2317](#) be **deferred**.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2318** and **2321** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2245, 2145, 524, and 2285.

[House File 2245](#)

On motion of Senator Bowman, [House File 2245](#), a bill for an act relating to requirements for the enactment of the state percent of growth and the categorical state percent of growth and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bowman offered amendment [S-5053](#), filed by the committee on Education on March 7, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bartz raised the point of order that amendment [S-5053](#) impermissibly set combined allowable growth percentages in violation of Iowa Code Section 257.8.

The Chair ruled that [House File 2245](#) proposed a change in the policy of the allowable growth sections of the Iowa Code and that amendment [S-5053](#) merely reinstated the existing Code language in a manner consistent with the allowable growth bills previously passed by the Senate. Accordingly, the Chair ruled the point was not well-taken.

Senator Bowman moved the adoption of amendment [S-5053](#).

A record roll call was requested.

On the question "Shall amendment [S-5053](#) be adopted?" ([H.F. 2245](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders

Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment [S-5053](#) was adopted.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2245](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### [House File 2145](#)

On motion of Senator Rielly, [House File 2145](#), a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2145](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [House File 524](#)

On motion of Senator Bowman, [House File 524](#), a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bowman offered amendment [S-5010](#), filed by the committee on Local Government on February 8, 2012, to pages 1–4 of the bill, and moved its adoption.

Amendment [S-5010](#) was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 524](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [House File 2285](#)

On motion of Senator Danielson, [House File 2285](#), a bill for an act relating to the definition of hydronic for purposes of the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2285](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 524, 2145, 2245, and 2285** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2101 and 2226.

#### [House File 2101](#)

On motion of Senator Rielly, [House File 2101](#), a bill for an act relating to preparation and recording of public land survey corner certificates, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2101](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### [House File 2226](#)

On motion of Senator Dotzler, [House File 2226](#), a bill for an act relating to child abuse reports and disposition data, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dotzler offered amendment [S-5091](#), filed by the committee on Human Resources on March 14, 2012, to page 1 of the bill, and moved its adoption.

Amendment [S-5091](#) was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2226](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2101** and **2226** be **immediately messaged** to the House.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 365](#)

Senator Jochum called up for consideration [Senate File 365](#), a bill for an act relating to the placement of a juvenile on youthful offender status in district court, amended by the House in House amendment [S-3246](#), filed April 13, 2011.

Senator Jochum offered amendment [S-5095](#), filed by her on March 15, 2012, to pages 1-2 and amending the title provisions of House amendment [S-3246](#), and moved its adoption.

Amendment [S-5095](#) to amendment [S-3246](#) was adopted by a voice vote.

Senator Jochum moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Jochum moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 365](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

The Senate stood at ease at 5:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:32 p.m., President Kibbie presiding.

## BUSINESS PENDING

[Senate File 2316](#)

The Senate resumed consideration of [Senate File 2316](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, previously deferred.

Senator McCoy offered amendment [S-5106](#), filed by him from the floor to pages 2 and 5 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment [S-5106](#) and [Senate File 2316](#) be **deferred**.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2250](#).

[Senate File 2250](#)

On motion of Senator Bolckcom, [Senate File 2250](#), a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions, placed on the Unfinished Business Calendar on March 15, 2012, was taken up for consideration.

Senator Bolckcom offered amendment [S-5050](#), filed by him on March 7, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5050](#) was adopted by a voice vote.

With the adoption of amendment [S-5050](#), the Chair ruled amendment [S-5037](#), filed by Senator Bolkcom on February 29, 2012, to page 2 of the bill, out of order.

Senator Bolkcom asked and received unanimous consent that [House File 2320](#) be **substituted** for [Senate File 2250](#).

### [House File 2320](#)

On motion of Senator Bolkcom, [House File 2320](#), a bill for an act relating to planning and service delivery under the purview of the department on aging including the designation of area agencies on aging, and including effective date provisions, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2320](#)), the vote was:

Yeas, 29:

Beall	Gronstal	Mathis	Sodders
Black	Hancock	McCoy	Ward
Bolkcom	Hatch	Quirnbach	Whitver
Bowman	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	Zaun
Dearden	Jochum	Schoenjahn	
Dotzler	Johnson	Seng	
Dvorsky	Kapucian	Seymour	

Nays, 21:

Anderson	Chelgren	Greiner	McKinley
Bacon	Courtney	Hahn	Smith
Bartz	Dix	Hamerlinck	Sorenson
Behn	Ernst	Houser	
Bertrand	Feenstra	Kettering	
Boettger	Fraise	Kibbie	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Bolcom asked and received unanimous consent that [Senate File 2250](#) be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 365](#) and [House File 2320](#) be **immediately messaged** to the House.

## BUSINESS PENDING

[Senate File 2317](#)

The Senate resumed consideration of [Senate File 2317](#), a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, previously deferred.

Senator Hamerlinck withdrew amendment [S-5103](#), filed by him from the floor to page 3 of the bill.

Senator McKinley offered amendment [S-5098](#), filed by him from the floor to page 13 and amending the title page of the bill, and moved its adoption.

Amendment [S-5098](#) was adopted by a voice vote.

Senator Dearden offered amendment [S-5078](#), filed by him on March 12, 2012, to page 14 and amending the title page of the bill, and moved its adoption.

Amendment [S-5078](#) was adopted by a voice vote.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2317](#)), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2317](#) be **immediately messaged** to the House.

The Senate stood at ease at 5:51 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:20 p.m., President Kibbie presiding.

#### BUSINESS PENDING

#### [Senate File 2316](#)

The Senate resumed consideration of [Senate File 2316](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa’s health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, and amendment [S-5106](#), previously deferred.

Senator Seymour offered amendment [S-5107](#), filed by Senators Seymour and Bartz from the floor to page 1 of amendment [S-5016](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5107](#) to amendment [S-5016](#) be adopted?” ([S.F. 2316](#)), the vote was:

Yeas, 19:

Bacon	Ernst	Houser	Seymour
Bartz	Feenstra	Johnson	Sodders
Behn	Greiner	Kapucian	Ward
Boettger	Hahn	Kettering	Zaun
Chelgren	Hamerlinck	McKinley	

Nays, 31:

Anderson	Dearden	Hogg	Rielly
Beall	Dix	Horn	Schoenjahn
Bertrand	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Smith
Bolkcom	Fraise	Mathis	Sorenson
Bowman	Gronstal	McCoy	Whitver
Courtney	Hancock	Quirnbach	Wilhelm
Danielson	Hatch	Ragan	

Absent, none.

Amendment [S-5107](#) lost.

Senator Bartz called for the following division of amendment [S-5106](#):

Division [S-5106A](#): Page 1, lines 2–10; and

Division [S-5106B](#): Page 1, line 11.

Senator McCoy moved the adoption of division [S-5106A](#).

A record roll call was requested.

On the question "Shall division [S-5106A](#) be adopted?" ([S.F. 2316](#)), the vote was:

Yeas, 30:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Sorenson
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hancock	Quirnbach	
Courtney	Hatch	Ragan	

Nays, 20:

Bacon	Ernst	Houser	Seymour
Behn	Feenstra	Johnson	Smith
Boettger	Greiner	Kapucian	Ward
Chelgren	Hahn	Kettering	Whitver
Dix	Hamerlinck	McKinley	Zaun

Absent, none.

Division [S-5106A](#) was adopted.

Senator McCoy moved the adoption of division [S-5106B](#).

A record roll call was requested.

On the question "Shall division [S-5106B](#) be adopted?" ([S.F. 2316](#)), the vote was:

Yeas, 48:

Anderson	Danielson	Hogg	Ragan
Bacon	Dearden	Horn	Rielly
Bartz	Dix	Houser	Schoenjahn
Beall	Dotzler	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Bertrand	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Boettger	Greiner	Kibbie	Sorenson
Bolkcom	Gronstal	Mathis	Ward
Bowman	Hahn	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirnbach	Zaun

Nays, 2:

Dvorsky            Hatch

Absent, none.

Division [S-5106B](#) was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2316](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2316](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:52 p.m. until 9:00 a.m., Tuesday, March 20, 2012.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Alexandra Bartlett, Clive—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

Joseph P. Ernst, Muscatine—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (3/19/12).

Thomas R. Keller, Muscatine—For achieving the rank of Eagle Scout, Troop 104. Senator Hahn (3/19/12).

Enid Mart, Vinton—For celebrating her 92<sup>nd</sup> birthday. Senator Kapucian (3/19/12).

Viola McNeill, Vinton—For celebrating her 90<sup>th</sup> birthday. Senator Kapucian (3/19/12).

Elaine Mou, West Des Moines—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

Samuel Schulte, West Des Moines—For being named a 2012 University of Iowa Presidential Scholar. Senator Ward (3/19/12).

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** Monday, March 19, 2012, 1:25 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

**Members Absent:** None.

**Committee Business:** Assigned governor's appointees to Senate standing committees.

**Adjourned:** 1:30 p.m.

#### VETERANS AFFAIRS

**Convened:** Tuesday, March 13, 2012, 9:30 a.m.

**Members Present:** Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Ragan, and Sadders.

**Members Absent:** Kibbie (excused).

**Committee Business:** Passed [HF 2403](#). Approved governor's appointees.

**Adjourned:** 9:45 a.m.

## STUDY BILL RECEIVED

### [SSB 3195](#)      **Ways and Means**

Providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

## SUBCOMMITTEE ASSIGNMENTS

### [House File 2318](#)

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

### [SSB 3195](#)

WAYS AND MEANS: Dotzler, Chair; Mathis and Smith

## FINAL COMMITTEE REPORTS OF BILL ACTION

### JUDICIARY

**Bill Title:** [HOUSE FILE 490](#), a bill for an act creating a certificate of merit affidavit in a medical malpractice action.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN [S-5101](#).

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** [HOUSE FILE 2321](#), a bill for an act amending provisions in the uniform commercial code relating to secured transactions, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2370](#), a bill for an act relating to civil actions relating to real estate, including mortgage foreclosure actions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2379](#), a bill for an act relating to expunging certain criminal records, and including applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2390](#), a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN [S-5102](#).

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 2399](#), a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Ward, and Whitver. Nays, none. Absent, 1: Sorenson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 16, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 2218](#) – Relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

## APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNORTERM

RACING AND GAMING COMMISSION, STATE (Sec. 99D.5)	
Dolores Mertz, Ottosen	05/01/2012 – 04/30/2015
VISION IOWA BOARD (Sec. 15F.102)	
Tracy Erlandson, Onawa	03/16/2012 – 04/30/2013
Tara Olivencia, West Des Moines	03/14/2012 – 04/30/2013

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 19, 2012:

## STATE GOVERNMENT

Dolores Mertz – State Racing and Gaming Commission

Tracy Erlandson – Vision Iowa Board

## APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 19, 2012, to investigate the appointment and reappointment of the following appointees:

### STATE GOVERNMENT

As a member of the State Racing and Gaming Commission:

DOLORES MERTZ – Kibbie, Chair; McCoy and Dix

As a member of the Vision Iowa Board:

TRACY ERLANDSON – Sodders, Chair; McCoy and Dix

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### VETERANS AFFAIRS

Willard Wallace – Commission of Veterans Affairs

Jon Wille – Commission of Veterans Affairs

Mickey Williams – Commission of Veterans Affairs

## WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on March 16, 2012:

I am writing to withdraw the nomination of Tara Olivencia from the city of West Des Moines in Polk County, Iowa for appointment as a member of the Vision Iowa Board, pursuant to Iowa Code Section 15F.102. According to the code, all board members shall be residents of different counties. Ms. Olivencia is from the same county as another member.

Sincerely,  
TERRY E. BRANSTAD  
Governor

## AMENDMENTS FILED

<a href="#">S-5096</a>	<a href="#">S.F. 2321</a>	Brian Schoenjahn
<a href="#">S-5097</a>	<a href="#">S.F. 2316</a>	Jeff Danielson
<a href="#">S-5098</a>	<a href="#">S.F. 2317</a>	Paul McKinley
<a href="#">S-5099</a>	<a href="#">S.F. 2316</a>	Matt McCoy
		Robert Bacon
<a href="#">S-5100</a>	<a href="#">H.F. 2315</a>	Thomas G. Courtney
<a href="#">S-5101</a>	<a href="#">H.F. 490</a>	Judiciary
<a href="#">S-5102</a>	<a href="#">H.F. 2390</a>	Judiciary
<a href="#">S-5103</a>	<a href="#">S.F. 2317</a>	Shawn Hamerlinck
<a href="#">S-5104</a>	<a href="#">S.F. 2316</a>	Dennis H. Black
		David Johnson
<a href="#">S-5105</a>	<a href="#">S.F. 2316</a>	Mark Chelgren
<a href="#">S-5106</a>	<a href="#">S.F. 2316</a>	Matt McCoy
<a href="#">S-5107</a>	<a href="#">S.F. 2316</a>	James A. Seymour
		Merlin Bartz